

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 271 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DALPATBHAI SHANKALCHAND PADHARIA

Versus

JADAV KANAIYALAL KESHAVLAL

Appearance:

MR PK JANI for Petitioner

MR RC JANI for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 15/03/2001

ORAL JUDGEMENT

1. The petitioner (original plaintiff) has filed this Civil Revision Application under Section 29(2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, challenging the judgment and order dated October 12, 1987 passed by the learned 2nd Joint District Judge, Mehsana, in Regular Civil Appeal No.83 of 1984, by which judgment and order, the appeal filed by the opponent (original defendant) was allowed and the decree for eviction passed by the learned 2nd Joint Civil Judge (J.D.), Patan, in Regular Civil Suit No.210 of 1981, was quashed and set aside.

2. After admission of the Civil Revision Application, opponent, Jadav Kanaiyalal Keshavlal, expired on November 28, 1990. Xerox copy of the death certificate of Jadav Kanaiyalal Keshavlal is ordered to be taken on record.

3. Though the opponent had expired on November 28, 1990, till date, heir or legal representative of the opponent has not been brought on record nor any application to set aside abatement has been filed.

4. In this view of the matter, this Civil Revision Application is dismissed as abated. Rule is discharged with no order as to costs.

March 15, 2001 (M.H. Kadri, J.)
(swamy)